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# *The Dissection and Review Paradigm of the Effectiveness of Administrative Compliance Evidence in Environmental Tort*

**Yue Hou**

*Department of Law, Fudan University, Shanghai, China*
*houyue403@gmail.com*

***Abstract.*** The absolute exemption effect of administrative compliance evidence in environmental tort has been negated at the level of substantive law in China. However, the normative mismatch between evidentiary law and substantive law has left the issue of how to review and use administrative compliance evidence unresolved. To address the lack of evidentiary law rules and the prevailing practical inconsistencies, this article classifies the administrative compliance evidence in environmental tort vertically into four categories and reconstructs its probative value horizontally, distinguishing between the facts based on which the administrative compliance conclusion is made and the compliance evaluations of compliance evidence, thereby isolating the true effect of administrative compliance conclusions in civil litigation. On this basis, a judicial review model centered on "limited preliminary probative value" is constructed, with a structured adjudicative framework through a "four-step review method" provided to judges, and a scientific counter-evidence path offered to plaintiffs to achieve the standardization, transparency, and operationalization of the probative value evaluation of administrative compliance evidence.

***Keywords:*** Administrative Compliance, Probative Value, Environmental Tort

## 1. Introduction

With the implementation of the tort liability chapter of the Civil Code and the introduction of Interpretation of the Supreme People's Court of Several Issues concerning the Application of Law in the Trial of Cases Involving Disputes over Liability for Ecological and Environmental Torts (hereinafter referred to as the "Environmental Tort Interpretation") in 2023, the absolute exemption effect of administrative compliance evidence in environmental tort has been denied and a liability system of "compliance does not exempt", focusing on objective elements such as pollutants, acts and damage, has settled [1]. This shift is validated in Guiding Case 127, which states that the presence or absence of national or local standards and the compliance of pollutant discharge can't preclude the establishment of environmental torts. Thus, the substantive law role of administrative compliance evidence in environmental tort disputes has basically been settled.

However, judicial practice remains unsettled due to the misalignment between substantive law principles and evidentiary law rules. On one hand, the principle of free evaluation of evidence in modern evidentiary law requires judges to independently judge whether evidence has probative value and the extent of it [2], yet the technical complexity of environmental issues often leads judges

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to implicitly defer to compliance conclusions from administrative or third-party bodies. On the other hand, victims of private interests face structural weaknesses such as difficulty in independent testing, insufficient scientific traceability ability, and information asymmetry, reinforcing judges' reliance on the "compliance appearance" held by defendants. This results in a serious split in judicial practice: some courts identify substantive pollution and causality through the facade of compliance, while others still view pollutant discharge permits, compliance reports or decisions not to impose penalties as exclusive defense grounds for legality, undermining victim's protection.

Existing literature has largely focused on macro-level interpretations of the "compliance does not exempt" principle [3], no-fault liability, and risk prevention [4]. Some studies describe the phenomenon that judges cannot completely rule out references to pollution discharge standards [5]and some address judicial prejudgment in review [6], leaving the critical issue of administrative-civil evidence integration unresolved. It fails to effectively address the obstacles in the connection between administrative and civil affairs that urgently need to be resolved in judicial practice. For this reason, the core question of this study aims to answer is what kind of evidence should administrative compliance evidence be translated as, when compliance conclusions made by administrative authorities are introduced into civil tort litigation under the special normative framework of the inversion of no-fault liability and the burden of proof of causation, and what is the boundary of its object of proof and probative value.

This study thus shifts the focus from the substantive law paradigm of "whether compliance is exempt from liability" to the evidentiary law paradigm of "how compliance evidence is reviewed and evaluated". This study first deconstructs the general concept of "administrative compliance" by categorizing evidence and proposes a dichotomy of the probative value of compliance facts and compliance evaluations to strip away the true effect of administrative conclusions in civil litigation. Based on this, the study aims to construct a judicial review model centered on "limited preliminary probative value", supplemented by structured review rules and counter-evidence paths, to respect the value of administrative regulatory order while defending the independent character of tort law in compensating damage, and providing a normative solution that is both academic and operational for regulating the judicial application of compliance evidence in environmental torts.

## 2. Question: how does the dilemma arise

### 2.1. The setting of substantive law and the absence of evidentiary law

Article 1229 of the Civil Code stipulates no-fault tort liability in environmental tort cases, weakening the necessity and probative value of compliance evidence originally used to prove the subjective fault of the actor [7]. The Environmental Tort Interpretation lists administrative licensing alongside substantive factors such as pollutant types, concentrations, pollution levels, and damage consequences as discretionary actors for the magnitude of tort liability, indirectly negating the positioning of administrative licensing as an excuse for liability. While clarifying the substantive criteria of determining the satisfaction of environmental tort and the share of liability of each actor, it also indicates the real application field of administrative compliance evidence in quantifying damage compensation and relief methods in environmental tort, and provides an interface for administrative compliance evidence to enter civil litigation. Previously, in Guiding Case 127, Lu Jinkui and 79 people v. Shanhaiguan Shipbuilding Heavy Industry Co., Ltd., in response to the defendant's defense that "iron is not a legal indicator for evaluating the quality of seawater and legal norms do not limit the iron content in seawater", the judge adopted the substantive judgment standard. The presence or absence of national or local standards and compliance with legal standards

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do not affect the determination of environmental tort liability. As long as the pollution has caused environmental damage, the perpetrator should shoulder the liability for compensation. Guiding Case 127 establishes the principle of "compliance does not exempt" at the judicial practice level. This principle does not deny the full meaning of emission standards, but denies them as an absolute excuse for liability. Together with the tort liability chapter of the Civil Code and Environmental Tort Interpretation, it constitutes a normative system of "not automatically exempted in substance and can be used as limited proof material in procedure". Its substantive law positioning is thus settled.

However, at the evidence law level, the evidential attributes, objects of proof, boundaries of probative value, and methods of application in adjudication of administrative compliance evidence have not been fully detailed, resulting in significant differences in the review and acceptance of administrative compliance evidence in practice. Given the technical complexity of environmental issues, judges still rely on administrative compliance evidence to determine tort elements and liability. In practice, defendants generally base their defense on administrative compliance evidence such as pollutant discharge permits, compliance test reports, and no administrative penalties, while plaintiffs are unable to effectively refute the administrative compliance evidence due to difficulties in independent monitoring and information asymmetry, thus exacerbating the unfavorable litigation situation caused by the inability to provide evidence.

### 2.2. A realistic examination of the chaos in judicial practice

To gain a better understanding of the application of the principle of "compliance does not exempt" in practice, this study retrieved publicly available civil judgments from 2023 to 2025 via PKULaw, using keywords such as "administrative license," "monitoring standards," "monitoring data," and "no administrative penalty." After deduplication and screening, 54 samples were formed, including 45 private interest civil litigations, 8 public interest litigations and 1 environmental damage compensation litigations. Considering the differences in plaintiff qualifications, objects of proof, liability structures, and requirements of evidence among these three types of litigations, the study focuses on private interest civil litigations. Public interest litigations and environmental damage compensation litigations are for reference only. Out of the 45 lawsuits, in 16 cases (accounting for 35% of the total sample), the judges did not accept the administrative compliance evidence provided by the defendants, while in the remaining 29 cases (accounting for 65% of the total sample), the judges accepted the administrative compliance evidence.

#### 2.2.1. Judges did not accept the administrative compliance evidence

In 14 of the 16 cases where the judge did not accept the administrative compliance evidence, judges further examined the existence of the alleged infringement based on the judicial appraisal materials or appraisal materials provided by the plaintiff. In Yi Zhongbi et al. v. Wanzhou District Bai'an Avenue Zhixiangtang Hot Pot Restaurant, the judge held that although the defendant had completed the environmental assessment procedures and the wastewater was discharged up to standard, it should still bear the tort liability of stopping the infringement and compensating for the damage caused by the overflow of pollutants due to the rupture of its sewage pipe. Also, in Zhai v. Lankao County XX New Energy Co., Ltd., based on the data from the acceptance investigation, the judge determined that the actual operation of the wind turbine had caused perceptible noise impact and damage to the nearby breeding farm, and the environmental impact assessment approval and acceptance report provided by the defendant could not prevent the establishment of tort liability. In the remaining two cases, the judge did not accept the monitoring data and the reliability of the

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monitoring reports provided by the defendant after conducting a substantive examination. In Xi X Pigeon Farm in Hunjiang District, Baishan City v. China Railway XX Engineering Bureau Group Co., LTD., the judge argued that the test report "had no qualifications of the testing institution and the testing personnel". In Jiangmen v. Taishan, the judge held that the data did not conform to the national monitoring technical specifications and thus did not accept it.

#### 2.2.2. Judges accepted the administrative compliance evidence

Judges accepted the administrative compliance evidence in a relatively large number of cases, and the ways judges used the compliance evidence after acceptance varied, specifically manifested as directly acceptance of the compliance conclusions, acceptance of the monitoring facts, and the authority overflow of administrative regulatory conclusions in civil litigation.

##### 2.2.2.1. Acceptance of compliance conclusion

In cases where the judges directly accepted the compliance conclusion reflected by administrative compliance evidence, the existence of tortious acts was denied and the elements of tort were not satisfied on the grounds that the plaintiff failed to provide sufficient evidence. In Wu v. Leshan XX Co., Ltd., the judge accepted the approval of the environmental impact assessment, the acceptance report, and the annual monitoring data, and determined that the fact of the defendant discharging fecal sewage couldn't stand, as the government department had approved and accepted it as qualified. In XX of Datong District, Daqing City v. Daqing Tonghua New Energy Co., LTD., the judge accepted the environmental impact assessment approval provided by the defendant and the environmental protection department's handling opinion to deny the infringement.

##### 2.2.2.2. Acceptance of monitoring facts

Some judges accepted the monitoring facts reflected in the administrative compliance evidence and based the satisfaction of tort on local or national standards. In Li, Fu, et al. v. Sichuan Yiyi Expressway Development Co., Ltd., the judge accepted the monitoring data reflected in the environmental protection department monitoring report provided by the defendant, and determined that it did not constitute infringement after comparison with the legal standards. In Luo Liang v. Guangxi xx Environmental Technology Co., Ltd., the judge accepted the monitoring data and investigation reports collected by the ecological environment department during the administrative law enforcement process and determined that the defendant did not discharge pollutants.

##### 2.2.2.3. The authority overflow of administrative regulatory conclusions in civil litigation

There is also a tendency for the authority of administrative regulatory conclusions to overflow in civil litigation. In Beijing Changping District Institute of Multiple Intelligences Environment vs. Lanping Shengpeng Mining Co., Ltd., the judge mentioned in the judgment that, "Human activities are bound to cause certain impacts or even damage to the environment. But human beings and nature should coexist in harmony, neither wantonly destroying the environment nor sacrificing human survival and development in order to avoid affecting the environment. At present, China has established a relatively complete system and framework for environmental protection. All economic activities carried out in accordance with the law should be protected", recognizing administrative licensing as a prerequisite for determining the legality of such acts. The judge accepted the administrative compliance evidence provided by the defendant and affirmed the legality of the

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defendant's conduct under the administrative license and the controllability of the environmental risks involved in the conduct, holding that in the absence of contrary evidence proving that the administrative judgment was incorrect or there was an abuse of power, the validity of the decision made by the administrative agency should be respected.

#### 2.2.3. Different judgements in similar cases

Judges' attitudes towards the application of administrative compliance evidence varied, and different judgments in similar cases further exacerbated the chaos in judicial practice. In Harbin-Dalian Railway Passenger Dedicated Line Co., Ltd. v. Li, the judge made a substantive judgment on the existence of tortious act and causation based on the judicial appraisal, rather than exempting the defendant from liability based on compliance evidence. However, in Liu v. a certain building materials company in Jilin Province, also involving noise pollution and environmental impact assessment, the judge relied on the environmental impact assessment, administrative permits and other documents to determine the legality of the defendant's actions and thus denied the infringement. Similarly, in Shanghai XXX Property Management Co., LTD. Langfang Branch v. Huang and Chongqing XXX Property Management Co., LTD., Chongqing Branch of a certain elevator Co., LTD. v. Zhang, plaintiffs sued the property management companies on the ground that the noise of elevator exceeded the standard according to the test report and the property management company all provided compliance evidence such as regular maintenance and qualified elevator inspection for defend. However, in the former case, the judge accepted the compliance evidence and determined the property management company as not attributable, while in the latter case, the judge claimed that the compliance evidence could not prove the legality of noise pollution, and it should still be liable.

#### 2.2.4. Summary

By analyzing environmental tort cases involving administrative compliance evidence in the nearly three years since the introduction of the Environmental Tort Interpretation, it can be found that the absence of evidentiary law norms has led to inconsistent attitudes among judges regarding whether to accept the administrative compliance evidence and how to use it, resulting in chaos of different judgments in similar cases. And due to the high professionality of environmental issues, there is a tendency for judges to attribute the absolute exemption effect of administrative compliance evidence in their subjective conviction, manifested as judges directly accepting the compliance conclusions, accepting the monitoring facts, and the authority overflow of administrative regulatory conclusions in civil litigation. How to further regulate the use of administrative compliance evidence and construct a normative model suitable for judicial practice is an urgent issue to be addressed.

## 3. Analysis: typological deconstruction and probative value reconstruction

### 3.1. Typological deconstruction of administrative compliance evidence

Administrative compliance evidence refers to materials formed in the process of environmental administrative supervision that can represent the state of the actor being bound by administrative norms or compliance, including administrative licensing documents, administrative monitoring documents, administrative disposal documents, online monitoring data and their derivative reports. Administrative compliance evidence is a collection of types of evidence including documentary evidence, electronic data. Generalizing administrative compliance evidence as one would inevitably

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blur the boundaries of different types of evidence, thereby exacerbating the chaos of inconsistent application in judicial practice. For this reason, by analyzing the evidence mentioned in previous cases, this study classifies administrative compliance evidence into four categories based on the formation of the evidence, that is administrative licensing documents, administrative monitoring materials, online monitoring data, and administrative law enforcement disposal documents, and explore their meaning respectively in environmental tort cases.

(1) Administrative licensing documents: documents specifying permitted pollutant types, concentrations, volumes, and management requirements, such as pollution discharge permit.

(2) Administrative monitoring materials: documents certifying compliance with discharge standards at specific times and locations, such as compliance monitoring report.

(3) Online monitoring data: real-time data on emissions and its derived conclusions formed through online monitoring equipment such as the Continuous Emission Monitoring System (CEMS).

(4) Administrative law enforcement disposal documents: conclusive documents such as "Decision Not to Impose Administrative Penalty" after law enforcement inspections.

### 3.2. Reconstruction of probative value of administrative compliance evidence

A tendency to distinguish between compliance conclusions and monitoring facts can be found in the past 3 years' cases. However, judges have different attitudes towards whether to accept compliance conclusions or monitoring facts and their review of compliance evidence is relatively simple, and they rarely do review and comparison of the monitoring facts. To fully respect the present judicial practice and to solve practice chaos, the dichotomy of compliance facts and compliance evaluation is needed to reconstruct the probative value of administrative compliance evidence

Compliance facts refer to factual information that is recorded in or is based on by administrative compliance evidence and can be objectively verified, such as monitoring data in compliance monitoring reports, the scope and limits of permits reflected in administrative licensing. It has the following characteristics:

(1) Value-free. There is an objective manifestation independent of the evaluation subject;

(2) Verifiability. The facts can be reproduced by technical means or verified by logical reasoning;

(3) Specificity. The facts only cover a specific type of pollutant at a specific time point and location.

Compliance facts retain strong probative value when translated into civil evidence for its verifiability and free of value. But strict cross-examination is needed to review the similarity of the measured interval, the type of pollutants to the case interval and pollutants, and the representativeness of the monitored location, so that the compliance facts and the alleged infringement are comparable, and the monitoring tools used and the integrity of the monitoring data are reliable, thus guaranteeing the authenticity of the compliance facts.

Compliance evaluation refers to conclusive judgments attached to compliance evidence made by administrative authorities and monitoring institutions, such as the "compliance" conclusion in the compliance monitoring reports, the permitted emission conclusion in administrative licensing. Compliance conclusions often have weak probative value for the facts to be proved as to the existence of damage, the existence and legality of tortious act, due to the limitations of interval, location, pollutant categories of the facts on which they are based, as well as the heterogeneity of administrative standards and civil tort standards. To prevent the abuse of administrative compliance evidence and the chaos in judicial practice, the application of compliance evaluation in

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environmental tort litigation to prove core facts including no damage, no causation, no impact on specific sensitive receptors, and no risk of the discharge behavior should be strictly limited.

## 4. Solution: "limited preliminary probative value" model for judicial application

The theoretical foundation of the probative value of administrative compliance evidence in environmental tort has been established through the categorization and reconstruction of administrative compliance evidence. However, the gap between the theory and judicial practice has led to questions of how administrative compliance evidence should be incorporated into the probative value evaluation system and how sufficient counter-proof space should be reserved for private interest infringers. To this end, this study further proposes a judicial application model of "limited preliminary probative force" at the practical level, based on the dichotomy of compliance facts and compliance evaluation, providing a structured adjudication paradigm for judges and a scientific counter-evidence path for plaintiffs through the "four-step review method".

### 4.1. The "limited preliminary probative value" model of judicial application

The dichotomy of compliance evaluation and compliance facts objectifies the evidence facts. To respect the authority of administrative supervision and defend the function of tort law in protecting the rights and interests of civil entities, compliance evidence should be allowed to form preliminary probative value in favor of the defendant within the scope of compliance facts since the subjective conclusions of administrative authorities have been excluded [8]. The meaning of "limited preliminary probative value" judicial application model is that after the review of relevance and reliability of administrative compliance evidence, it can form preliminary probative value in favor of the defendant within the scope of compliance facts it reflects. But it cannot be presumptuously presumed that there is no civil tort [9]. It has the following characteristics:

Limited scope. This model can only form the preliminary probative value of compliance evidence within the scope of compliance facts, and cannot extend to the compliance evaluation level of "no damage", "no causation", or "no influence on specific recipients".

Preliminary probative value can be weakened by counter-evidence. The plaintiff may prove that the compliance facts do not hold or that, even if the compliance facts hold, the defendant should still bear tort liability, by presenting the cumulative effect, the particularity of the receptor, the limitations of the standard, and scientific traceability evidence.

### 4.2. Four-step review method

#### 4.2.1. Relevance

The core issue that the relevance review needs to address is whether the compliance facts are directly related to the elements of the tort or the share of liability. Based on this, the content of the relevance review can be divided into the relevance between the evidence and the elements to be proved and the relevance between the evidence and the share of liability. For the former, it is necessary to examine whether the types of pollutants reflected in the compliance facts are consistent with or contain the types of pollutants involved in the alleged infringement, whether the monitoring points are typical or consistent with the occurrence points of the alleged infringement, and whether the monitoring interval covers the occurrence period of the alleged infringement. Failure to meet the review criteria will greatly weaken the relevance between the compliance facts and the facts to be proven. For the latter, it is necessary to focus on the affiliation between the administrative

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compliance evidence and the defendant, that is, whether the administrative compliance evidence provided belongs to the defendant and whether it is made against the defendant's discharge of pollutants.

#### 4.2.2. Reliability

Reliability reviews focus on whether compliance facts are true, complete, and representative. The content examined for different types of compliance evidence varies. For administrative licensing documents, the content of the review is whether the license is genuine, whether it is within the validity period, whether it is consistent with the pollutant discharging entity in this case, whether the actual operation is in line with the licensing conditions. For administrative monitoring materials, the main contents are whether the monitoring institutions are qualified, whether the monitoring methods are in line with the norms, whether the sampling points are representative, and whether the original records are complete and traceable. For online monitoring data, the review mainly focuses on whether the monitoring equipment is legally verified and within its validity period, whether there are records of standardized operation and maintenance and calibration, whether the data is missing or has traces of abnormal elimination, whether the transmission process is complete, and whether it can provide backups of the original data consistent with the monitoring platform [10]. For administrative law enforcement disposal documents, the main focus is on whether the procedure for making the decision not to impose a penalty is legal and whether the decision document specifies the specific reasons.

#### 4.2.3. Probative value delimitation

After determining relevance and reliability, the judge shall, within the scope of compliance facts, preliminarily determine probative value in the case of the defendant, without extending to the "no damage, no causation, no liability". Given the different connotations of compliance facts reflected by various types of compliance evidence, the following will analyze them separately.

##### 4.2.3.1. Administrative licensing documents

The compliance facts reflected in administrative licensing documents are the status of holding the license, the content of the license, and the facts on which the license is based. Article 114 of Interpretation by the Supreme People's Court on the Application of the Civil Procedure Law of the People's Republic of China (hereinafter refer to as "Interpretation of Civil Procedure Law") presumes both the content of the documents and the facts it intends to prove as true by literal explanation [11], increasing the risk of improper transfer of burden of proof [12]. In particular, in cases of environmental tort of private interests, plaintiffs are often unable to effectively refute administrative documents due to limited technical capabilities and sources of information. Therefore, in private environmental tort civil litigation, the scope of the substantive probative value regulated in Article 114 should be limited to the intention of the administrative authority to grant permission for the pollution discharge involved, which means that the actor actually holds the permit and the discharge of the actor meets the minimum requirements of administrative supervision within the specific matters recorded, the specific time and specific location. To associate holding of administrative license with whether the holder shall bear environmental tort liability is an improper expansion of the scope of substantive probative value of such evidence. This view is further supported by Article 25 of the Environmental Tort Interpretation, which regulates administrative

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licensing as a factor in measuring the share of liability of the actors and denies the improper conclusion that the alleged tort is exempted from liability.

#### 4.2.3.2. Administrative monitoring documents

The compliance facts reflected in administrative monitoring documents are the facts on which the administrative authority bases its conclusions. The misuse of such documents in current judicial practice largely stems from overlooking their spatiotemporal specificity and treating compliance as determinative of legality. Moreover, legal standards inevitably lag behind environmental realities. For physical pollutants like heavy metals and toxic chemicals, long-term cumulative effects render existing standards inadequate. For sensory pollution such as noise and light, administrative standards cannot capture individual perceptual differences. Therefore, due to spatiotemporal specificity of the compliance facts reflected in administrative monitoring documents and the inevitable incompleteness of statutory standards, it can only preliminarily prove that the concentration of a particular pollutant at a specific time and at a specific location does not exceed the current statutory standards.

#### 4.2.3.3. Online monitoring data

The compliance facts reflected in the online monitoring data are the continuous or intermittent pollutant discharge record during the monitored period. After the online monitoring data is initially determined to be true through the former review, the facts it reflects are only the emission concentrations and fluctuations of specific pollutants during the monitoring period [13]. The judge needs to further assess the legality of the alleged infringement in accordance with relevant standards, and draw a preliminary conclusion on whether the discharge behavior of the actor within the coverage of the monitoring data meets the minimum standards of administrative supervision.

#### 4.2.3.4. Administrative law enforcement disposal documents

Administrative law enforcement disposal documents reflect the administrative disposal results and the facts on which they are based. Under the Administrative Penalty Law, penalties are excluded where the illegal act is unsubstantiated; the act is minor with no harm; it is the first offense with minor consequences and promptly corrected; or the party is without fault [14]. The facts on which the administrative law enforcement disposal documents are based include that the actor has not committed an illegal act and the fact that the actor has committed an illegal act but exempt from punishment. For the former, due to the limitations of time, space and the types of pollutants discharged, it is impossible to automatically infer the legality of the alleged infringement act. For the latter, it is certainly impossible to justify the alleged infringement because it is indeed an objective violation. And given that administrative authorities make relevant evaluations on administrative standards, which has a certain deviation with the standards of civil environmental infringement, whether environmental infringement is satisfied can't be determined. The preliminary probative force of the administrative law enforcement disposal documents is therefore limited to the fact that the administrative authorities have not made a negative evaluation of the acts involved based on the minimum administrative regulatory standards, rather than a final confirmation of civil infringement.

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### 4.3. Counter-evidence path

The conclusions drawn after the former process only have preliminary probative value. The plaintiff can still weaken the probative value for the relevant facts to be proved in order to influence the subjective conviction of the judge. The plaintiff may explain the temporal and spatial limitations and standard limitations of the conclusions from the following aspects:

(1) Emission spatiotemporal accumulation. Proving that there is a multi-source superposition or long-term accumulation cause the damage through long-term monitoring data, environmental background value, pollutant diffusion simulation reports, to demonstrate the association between the defendant's emission and the deterioration of regional environmental quality.

(2) Limitation of the standard system. Proving the presence of characteristic pollutants not yet defined, or subjective perceptual differences for non-accumulative pollution like noise pollution.

(3) Receptor specificity. Demonstrating the special sensitivity of the affected, such as individual's special health condition or the sensitivity of affected area like a school or hospital.

(4) Scientific traceability evidence. Countering compliance facts by introducing expert assistant opinions or traceability analysis reports.

### 4.4. Toward a cross-examinable mechanism for integrating administration and civil evidence

The "limited preliminary probative value" judicial review model presents a preliminary construction of the review paradigm for administrative compliance evidence based on existing legal norms and theories. To further move towards cross-examinable mechanism for administrative and civil evidence, efforts should be made. At the evidence generation end, promote the full element documentation of monitoring reports, including sampling points, analytical methods, raw data chains to eliminate information black boxes. At the evidence circulation end, build an environment data sharing platform between administration and judiciary to ensure that the raw data of online monitoring is retrievable and verifiable. At the evidence review end, develop a Guidelines for Environmental Litigation Compliance Evidence Review to solidify the "four-step review method" and strengthen the expert assistant system to make up for judges' lack of technical expertise. Also, a system of coordinated liability shall be established to strictly enforce the joint liability of third-party institutions for fraud, compelling the authenticity of compliance evidence from the beginning.

## 5. Conclusion

The integration of administrative and civil evidence is unavoidable in environmental adjudication. Given that China's substantive law denies administrative compliance evidence absolute exculpatory effect, the normative misalignment between evidentiary law and substantive law and the resulting judicial inconsistencies have become pressing issues. How to review and use administrative compliance evidence from an evidentiary law perspective awaits further specification. This study categorizes administrative compliance evidence into four types, administrative licensing documents, administrative monitoring materials, online monitoring data, and administrative law enforcement disposal documents, and reconstructs its probative value into compliance facts and compliance evaluation, proposing a dichotomy of compliance facts and compliance evaluation, and stripping out the true effect of administrative compliance conclusions in civil litigations. Based on this, the study constructs a judicial review model centered on "limited preliminary probative value", allowing compliance evidence to generate preliminary probative value in favor of the defendant within the scope of compliance facts, providing judges with a structured adjudication paradigm and plaintiffs

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with sufficient scientific counter-evidence paths through the "four-step review method" of relevance review, reliability review, probative value delimitation, and counter-evidence path, with the aim of achieving standardized, transparent, and operational evaluation of the probative value of administrative compliance evidence.

## References

[1] Supreme People's Court. Interpretation of the Supreme People's Court of Several Issues concerning the Application of Law in the Trial of Cases Involving Disputes over Liability for Ecological and Environmental Torts.
[2] Wu Zeyong. (2020) The Adjudicative Method of Free Evaluation of Evidence in Civil Litigation and Its Judicial Application. Journal of Law Application, 19, 84-93.
[3] Liu Zhijian. (2023) A Further Discussion on the Illegality Element of Environmental Tort. Shandong Social Sciences, 8, 171-177.
[4] Sun Chen & Yang Fan. (2020) Analysis on the Distribution of the Liability of Proof in the Causality in Environmental Tort. Environmental Protection, 6, 59-63.
[5] Zhou Long. (2022) An Analysis of the "Relevance" Element in the Burden of Proof of the Injured Party in Environmental Tort. Social Scientist, 4, 110-118.
[6] Qu Maohui & Wang Zhong. (2020) Judicial Prejudgment in the Determination of Reliability of Scientific Evidence in Civil Litigation: An Empirical Analysis of Expert Opinions in Civil Proceedings. Journal of the East China University of Political Science and Law, 5, 115-129.
[7] National People's Congress. Civil Code of the People's Republic of China.
[8] Ou Yuanjie. (2022) A Critical Review of Legal Presumption. Law and Social Development, 4, 88-102.
[9] Zhang Jiayuan. (2026) From Authenticity to Credibility: A Complexity Turn in the Paradigm of Evidence Assessment. Contemporary Law Review, 1, 87-100.
[10] Supreme People's Court. Provisions by the Supreme People's Court on Evidence in Civil Procedures (2019 Amendment).
[11] Supreme People's Court. Interpretation by the Supreme People's Court on the Application of the Civil Procedure Law of the People's Republic of China (2022 Amendment).
[12] Ji Gefei. (2024) System of Evidentiary Rules for Official Documents, Science of Law (Journal of Northwest University of Political Science and Law), 4, 189-201.
[13] Ji Zongru & Niu Yang. (2016) Evidence Rules on Electronic Data in Civil Procedure. Evidence Science, 4, 448-458.
[14] Zhang Yu. (2021) The Litigation Interest and Evidence Review in Actions Against Decisions Not to Impose Administrative Penalties. People's Judicature, 14, 105-108.